

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-2072

James E. Wilson,

Appellant,

v.

Michael Johnston, Dr.,

Appellee.

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* Appeal from the United States
* District Court for the
* Eastern District of Missouri.
* [UNPUBLISHED]
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Submitted: June 25, 2003

Filed: June 30, 2003

Before WOLLMAN, FAGG, and HANSEN, Circuit Judges.

PER CURIAM.

James E. Wilson appeals from the dismissal of his civil suit. Having reviewed the record, we conclude that the district court¹ did not abuse its discretion in dismissing the complaint as frivolous. See 28 U.S.C. § 1915(e)(2)(B)(i) (court shall dismiss case if it determines action is frivolous); Denton v. Hernandez, 504 U.S. 25, 32-34 (1992) (standard of review; court may dismiss complaint of plaintiff proceeding in forma pauperis (IFP) as frivolous, and disregard clearly baseless,

¹The Honorable Carol E. Jackson, Chief Judge, United States District Court for the Eastern District of Missouri.

fanciful, fantastic, or delusional factual allegations); Neitzke v. Williams, 490 U.S. 319, 324 (1989) (noting that plaintiff proceeding IFP lacks economic incentive to refrain from filing frivolous, malicious, or repetitive lawsuits). However, we modify the dismissal to be without prejudice to the filing of a paid complaint. See Denton, 504 U.S. at 34.

The judgment is affirmed, as modified. See 8th Cir. R. 47A(a). We deny all pending motions.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.